

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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4 IN RE: TERRORIST ATTACKS : 03-MDL-1570
5 ON SEPTEMBER 11, 2001 : (GBD) (SN)

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10 APRIL 27, 2021

11 THIS TRANSCRIPT CONTAINS
12 CONFIDENTIAL MATERIAL

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16 Remote Videotaped
17 Deposition, taken via Zoom, of JOHN
18 SIDEL, commencing at 7:02a.m., on the
19 above date, before Amanda
20 Maslynsky-Miller, Certified Realtime
21 Reporter and Notary Public in and for the
22 Commonwealth of Pennsylvania.

23

24

25 - - -
26 GOLKOW LITIGATION SERVICES
27 877.370.3377 ph| 917.591.5672 fax
28 deps@golkow.com

29

30

1 APPEARANCES:

2

3

KREINDLER & KREINDLER LLP
BY: ANDREW J. MALONEY III, ESQUIRE
750 Third Avenue
New York, New York 10017
(212) 687-8181
amaloney@kreindler.com
Representing the Ashton, et al.,
Plaintiffs

7

8

9

COZEN O'CONNOR P.C.
10 BY: SEAN P. CARTER, ESQUIRE
BY: J. SCOTT TARBUTTON, ESQUIRE
11 One Liberty Place
1650 Market Street
12 Suite 2800
Philadelphia, Pennsylvania 19103
13 (215) 665-2000
scarter1@cozen.com
14 starbutton@cozen.com
Representing the Plaintiffs

15

16

17

ANDERSON KILL P.C.
18 BY: BRUCE STRONG, ESQUIRE
1251 Avenue of the Americas
19 New York, New York 10020
(212) 278-1000
20 bstrong@andersonkill.com
Representing the Plaintiffs'
21 Steering Committee
22
23
24

1 APPEARANCES: (Continued)

2

3

4

MOTLEY RICE LLC

BY: ROBERT T. HAEFELE, ESQUIRE

5

BY: JADE A. HAILESELASSIE, ESQUIRE

BY: JODI WESTBROOK FLOWERS, ESQUIRE

6

28 Bridgeside Boulevard

Mount Pleasant, South Carolina 29464

7

(843) 216-9000

rhaefele@motleyrice.com

8

jhaileselassie@motleyrice.com

jflowers@motleyrice.com

9

Representing the Plaintiffs' Steering
Committee and the Burnett Plaintiffs

10

11

12

13

JONES DAY

BY: ERIC SNYDER, ESQUIRE

14

BY: STEVEN COTTREAU, ESQUIRE

BY: ABIGAELE BOSCH, ESQUIRE

15

51 Louisiana Avenue, N.W.

Washington, D.C. 20001

16

(202) 879-3939

esnyder@jonesday.com

17

scottreau@jonesday.com

abosch@jonesday.com

18

Representing the Defendant,
Dubai Islamic Bank

19

20

21

22

23

24

1 APPEARANCES: (Continued)

2

3

LEWIS BAACH KAUFMANN MIDDLEMISS PLLC

BY: WALEED NASSAR, ESQUIRE

4

BY: AISHA E.R. BEMBRY, ESQUIRE

BY: SUMAYYA KHATIB, ESQUIRE

5

1101 New York Avenue, N.W.

Suite 1000

6

Washington, DC 20005

(202) 833-8900

7

waleed.nassar@lbkmlaw.com

aisha.bembry@lbkmlaw.com

8

sumayya.khatib@lbkmlaw.com

Representing the Defendants,

9

Muslim World League, the

International Islamic Relief

10

Organization, and

Drs. Turki, Al-Obaid, Naseef and Basha

11

12

LAW FIRM OF OMAR T. MOHAMMEDI, LLC

13

BY: JOSHUA MORRISON, ESQUIRE

BY: STEVE SEIGLER, ESQUIRE

14

233 Broadway

Suite 820

15

New York, New York 10279

(212) 725-3846

16

jmorrisson@otmlaw.com

sseigler@otmlaw.com

17

Representing the Defendant,

WAMY and WAMY International

18

19 ALSO PRESENT:

20 David Lane, Videographer

Zac Hone, Trial Technician

21

Raymond Rivera, IT, Cozen O'Connor

22

Nour Subani, Paralegal, Lewis Baach Kaufman

23

Middlemiss PLLC

24

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(It is hereby stipulated and agreed by and among counsel that sealing, filing and certification are waived; and that all objections, except as to the form of the question, will be reserved until the time of trial.)

- - -

VIDEO TECHNICIAN: We are now on the record. My name is David Lane, videographer for Golkow Litigation Services. Today's date is April 27th, 2021. Our time is 7:02 a.m. Eastern Standard Time.

This remote video deposition is being held in the matter of Terrorist Attacks on September 11th, 2001. Our deponent today is Professor John Sidel.

All parties to this deposition are appearing remotely and have agreed to the witness

1 being sworn in remotely.

2 Due to the nature of remote
3 reporting, please pause briefly
4 before speaking to ensure all
5 parties are heard completely.

6 Counsels' appearances will
7 be noted on the stenographic
8 record. The court reporter today
9 is Amanda Miller and will now
10 swear in the witness.

11 - - -

12 JOHN SIDEL, after having
13 been duly sworn, was examined and
14 testified as follows:

15 - - -

16 VIDEO TECHNICIAN: Please
17 begin.

18 - - -

19 EXAMINATION

20 - - -

21 BY MR. CARTER:

22 Q. Good morning. Or I suppose
23 good early afternoon for you, Professor
24 Sidel.

1 sponsorship of the negotiations.

2 BY MR. CARTER:

3 Q. So your familiarity with the
4 Muslim World League's engagements in the
5 Philippines relating to the Moro National
6 Liberation Front and the MILF is
7 essentially limited to what you describe
8 in Paragraph 3 of your report?

9 A. Yes. And, I mean, I've been
10 shown documents. There's nothing that
11 comes to mind that I recall of any
12 significance, in terms of the Muslim
13 World League's activities and presence in
14 the Philippines.

15 Q. And before taking on a role
16 as an expert in this case, did you come
17 across any information relating to the
18 IIRO's alleged role in supporting Abu
19 Sayyaf Group in the Philippines?

20 A. Well, yes, insofar as the
21 same story that has been recycled and
22 re -- sort of reiterated over the years,
23 many years ago, this idea that the IIRO
24 office, in the early 1990s, under the

1 leadership of Mohamed Jamal Khalifa had
2 supposedly provided money to the early
3 version of the Abu Sayyaf.

4 Q. And prior to your work as an
5 expert on this case, did you come across
6 information regarding the IIRO's alleged
7 role in providing support to Jemaah
8 Islamiyah?

9 A. No, no.

10 Q. And prior to your work on
11 this case, had you come across any
12 information relating to the IIRO's
13 alleged role in providing funding or
14 other support to the Moro Islamic
15 Liberation Front?

16 A. I had never heard anything
17 like that, no.

18 Q. Are you aware that the IIRO
19 branches in the Philippines and Indonesia
20 were designated by the United States
21 government, in 2006, based on
22 representations by the U.S. government
23 that they were involved in providing
24 support to Abu Sayyaf Group and the

1 much in the press and in certain
2 kinds of more specialized
3 reportage on Southeast Asia and on
4 these organizations. It was
5 there.

6 So in terms of al-Qaeda,
7 yes.

8 BY MR. CARTER:

9 Q. And did you conduct any
10 independent research, prior to serving as
11 an expert in this case, concerning those
12 allegations?

13 A. No. No, I'm not sure how I
14 would have done so.

15 Q. Professor Sidel, as I
16 understand the description of your
17 qualifications, you are an expert on
18 Southeast Asia and political conditions
19 and violence in the Philippines and
20 Indonesia; is that correct?

21 A. Yes.

22 Q. Do you consider yourself an
23 expert on al-Qaeda?

24 A. No.

1 prioritized.

2 So my understanding is of a
3 shift that unfolds over the latter half
4 of the 1990s in which the United States
5 becomes his primary focus after an
6 earlier focus on Saudi Arabia, his home
7 country, and neighboring conflicts in
8 which he's involved.

9 Q. So do I understand that you
10 agree that as part of his strategy during
11 the period of the early 1990s, bin Laden
12 and al-Qaeda sought to provide support to
13 Muslims engaged in local conflicts?

14 A. I think there is evidence to
15 suggest some support and interest in some
16 conflicts in some parts of the world, but
17 not a kind of consistent or particularly
18 powerful thrust of activity.

19 So if you look at Chechnya,
20 for example, my understanding is that
21 there isn't much evidence of interest or
22 involvement. If you look at Bosnia, it
23 may look different. It doesn't --
24 there's no interest or involvement in

1 al-Qaeda's pattern of expansion through
2 building alliances.

3 Do you see that language?

4 A. Yes.

5 Q. Do you agree that during
6 this period, al-Qaeda was pursuing a
7 pattern of expansion through building
8 alliances?

9 MR. NASSAR: Objection.

10 Scope.

11 THE WITNESS: Yeah, I don't
12 really know. You know, this --
13 I'm not sure about this
14 interpretation. I'm not qualified
15 to really comment on it, I don't
16 think.

17 BY MR. CARTER:

18 Q. I'd like to show you, as the
19 next exhibit, a document that begins at
20 FED-PEC237854.

21 - - -

22 (Whereupon, Exhibit
23 Sidel-601, FED-PEC0237854-7873,
24 RAND Corporation Testimony, was

1 from your report?

2 A. Yes.

3 Q. Who was the founder of Abu
4 Sayyaf?

5 A. Well, reportedly, it was a
6 man by the name of Abdurajak Janjalani.

7 Q. When you say "reportedly,"
8 do you have some doubt that Abdurajak
9 Janjalani played a role in the
10 establishment of the Abu Sayyaf Group?

11 A. I just think that it's been
12 repeated so many times with so little
13 solid evidentiary basis, with so little
14 real nuanced context detail, that I don't
15 want to just be repeating it for the Nth
16 time without acknowledging that I'm doing
17 so on the basis of, you know, information
18 that has limited corroboration. And it's
19 there in so many different sources of
20 different kinds.

21 But, you know, in terms of
22 really understanding who he was locally,
23 what his experience and connections have
24 been beyond Basilan and beyond the

1 reiterated in interviews and, you know,
2 intelligence reports, published or
3 circulated, that cite, you know, the
4 Number 2 who turned out to be a
5 Philippine government informant.

6 I've never seen anything to
7 the contrary, would be the fair response
8 to your question. So I don't -- I
9 haven't heard an alternative story to the
10 "Janjalani was the founder" story. But
11 it is a story.

12 Q. Do you know whether the
13 individual I mentioned earlier, Noor
14 Muog, testified, based on his personal
15 participation, that Janjalani was the
16 founder of Abu Sayyaf?

17 A. No. As I mentioned earlier,
18 I'm not aware of this interview. And it
19 sounds interesting, but I have not had
20 access to it. I don't know if it's been
21 published or how you accessed it.

22 Q. And do you know whether
23 Abdurajak Janjalani participated in the
24 Afghan jihad?

1 formed in the early 1990s and received
2 support and seed money from al-Qaeda.

3 Do you see that?

4 A. Yes.

5 Q. Again, do you question the
6 credibility of this statement by the
7 United States government?

8 A. Yes.

9 MR. CARTER: And I would
10 like to next direct your attention
11 to FED-PEC173851-173854, which is
12 16 in the folder.

13 - - -

14 (Whereupon, Exhibit
15 Sidel-603, FED-PEC0173851-3854,
16 State Department Diplomatic Cable,
17 was marked for identification.)

18 - - -

19 MR. CARTER: This is a State
20 Department diplomatic cable.

21 BY MR. CARTER:

22 Q. Have you seen this document
23 before?

24 A. No, I don't think so.

1 Q. Turning to Page 173852,
2 there is a statement that Abu Sayyaf
3 Group was founded with money sent by
4 Mohamed Jamal Khalifa through IIRO.

5 Do you see that?

6 A. Yes.

7 Q. Again, you do not credit
8 this statement in the State Department
9 cable, correct?

10 A. Can you go back? When was
11 this cable produced?

12 Q. It was produced in 2004.

13 A. So you're asking me about
14 which paragraph here?

15 Q. The particular statement
16 that the Abu Sayyaf cell in Manila was
17 founded with money sent to bin Laden --
18 sent by bin Laden to Mohamed Jamal
19 Khalifa through IIRO.

20 A. Yeah, I mean, it's 2004.
21 This is an embassy cable, right? An
22 unclassified embassy cable, and it's
23 reiterating something that has come to be
24 taken as conventional wisdom.

1 You know, I worked in the
2 U.S. embassy political section and wrote
3 cables in the mid 1980s and worked with
4 the intelligence in the State Department
5 and read these things.

6 And people write these
7 cables and they're not drawing on, you
8 know -- they're not -- they don't have
9 fact-checkers like, you know, the New
10 Yorker Magazine has fact-checkers. They
11 are relying on what has become
12 conventional wisdom in 2004 to reiterate
13 something that, as I've said already
14 repeatedly, has become conventional
15 wisdom.

16 It doesn't have evidentiary
17 basis, to my mind. There's a fundamental
18 problem here with something that's been
19 repeated and repeated until people assume
20 that it must be true because reputable
21 people have reiterated it.

22 And I --

23 Q. Do you --

24 A. It doesn't bear -- it

1 doesn't prove that it's true, to show me
2 more examples of when the same thing is
3 cited.

4 So many people will say the
5 same thing again and again, and, you
6 know, have the best intentions.

7 Q. Do you know who Jamal
8 al-Fadl is?

9 A. Excuse me?

10 Q. Do you know who Jamal
11 al-Fadl is?

12 A. No.

13 Q. Jamal al-Fadl was al-Qaeda's
14 financial chief during the early 1990s in
15 Sudan.

16 You are not familiar with
17 that fact?

18 MR. NASSAR: Objection to
19 the characterization of Jamal
20 al-Fadl's title. Do you have a --
21 are you asserting that, Sean? Are
22 you testifying to that?

23 BY MR. CARTER:

24 Q. My understanding is that

1 Jamal al-Fadl has been described as an
2 al-Qaeda financial chief in the early
3 1990s in Sudan.

4 Have you heard that type of
5 information previously?

6 A. No.

7 Q. Would you regard testimony
8 by an al-Qaeda member, who was personally
9 involved, that al-Qaeda provided seed
10 money to Abu Sayyaf as reliable?

11 MR. NASSAR: Objection.

12 Form.

13 THE WITNESS: I don't know
14 the context of that kind of
15 evidence being produced or, you
16 know, what period it refers to
17 or -- it's very, very vague.

18 BY MR. CARTER:

19 Q. Well, the statement in the
20 9/11 Commission Report that bin Laden
21 provided assistance to Abu Sayyaf cites
22 the testimony that was provided by Jamal
23 al-Fadl.

24 For purposes of the

1 preparation of your report and opinions
2 in this case, did you review any of that
3 testimony?

4 A. No.

5 Q. In Footnote 47 of your
6 report, you include a reference to a 2003
7 book by Maria Ressa called Seeds of
8 Terror.

9 Do you recall including that
10 reference?

11 A. Yes, I do.

12 Q. And do you know Maria Ressa?

13 A. I've met her on one
14 occasion. And I'm sad to say I recently
15 watched a documentary video about the
16 very sad and terrible things that have
17 happened to her over the past few years.

18 So I'm well aware of her
19 work in recent years. And I've read her
20 earlier work, in part.

21 Q. And what is your opinion of
22 her, as a professional matter?

23 A. I found her early work to be
24 rather sensationalistic and overly

1 sponsorship and support and involvement
2 that have nothing to do with this kind
3 of -- this kind of alleged affiliation.

4 Q. But you don't have any
5 specific information that would lead you
6 to conclude that the account Maria Ressa
7 provides in her book is wrong?

8 A. I have specific information
9 that would lead me to be suspicious of
10 this kind of -- of taking this kind of
11 account at face value, yes.

12 But I do not have any
13 specific information of what was going on
14 in Basilan in December of 1991.

15 Q. In the next paragraph, Maria
16 Ressa indicates that, About a month
17 later, Khalifa met with Janjalani at the
18 Abu Sayyaf camp in Basilan. Wali Shah
19 and Ramzi Yousef came with him, and,
20 again, money was delivered to the Abu
21 Sayyaf.

22 She goes on to say that
23 Khalifa gave a little over \$6,000 for two
24 operations, to assassinate an Italian

1 Sayyaf did, in fact, create an urban
2 guerrilla squad?

3 A. No, I'm not sure that they
4 did. I don't recall guerrilla squads in
5 Zamboanga City along those lines, armed
6 guerrilla groups in Zamboanga City, no.

7 Q. Was there a bombing on
8 August 28th of that year involving a
9 grenade being thrown at Fort Pilar?

10 A. There may have -- well have
11 been. I assume that all of these things
12 are being cited by Maria Ressa after they
13 happened.

14 Q. And then down in the next
15 paragraph, it said, Later, other al-Qaeda
16 operatives would help in the training of
17 Abu Sayyaf.

18 And it refers to training in
19 1995 at camps run by Abu Sayyaf.

20 Again, do you have any
21 information that would indicate to you
22 that no such training happened?

23 A. I have no specific
24 information that contradicts this.

1 here, this kind of -- this information,
2 which seems likely to have been spoon-fed
3 to her by the likes of Rodolfo Mendoza
4 and others working for him.

5 That is -- that is my
6 general level of suspicion about this.
7 And if you read the literature on the Abu
8 Sayyaf Group by longtime observers, as
9 well as by people who were held hostage
10 by the Abu Sayyaf Group, and even the
11 kinds of commentators who your experts
12 cite, most notably Zachary Abuza, that
13 they acknowledge this element and these
14 sorts of questions explicitly time and
15 again.

16 So I, you know -- if I had
17 time to look at the footnotes here and to
18 read the sources cited in the footnotes
19 and to do further investigations, you
20 know, I'm -- maybe new questions would
21 open up for me.

22 But I just can't help but
23 express my doubts on the basis of what I
24 know through experience, personal

1 experience, as well as otherwise in the
2 Philippines.

3 Q. All right. Well, one of the
4 reasons that I'm focused on asking you
5 questions about this is because it comes
6 from a section of a book that you cite in
7 your own expert report. And you refer to
8 a range of pages, and these statements
9 are included in the range of pages that
10 you cite and rely upon.

11 A. Yes. And it appears that I
12 have misnumbered the pages.

13 But if you -- if you look at
14 my report, I'm, you know, somewhat,
15 perhaps, pedantically concerned with the
16 wording and phrasing of what I am saying
17 and claiming to know in my analysis and
18 also careful in citing sources relevant
19 for specific, you know, bits and pieces
20 of information.

21 There must be pages in here
22 somewhere that are focused on the Bojinka
23 plot. And the only reason why I cited
24 Maria Ressa's book, which I otherwise

1 about the possibility that Yousef --
2 Ramzi Yousef was in Basilan in 1991 with
3 Abdurajak Janjalani?

4 A. No.

5 Q. And you don't know whether,
6 during the years that ensued, Yousef
7 maintained a relationship with Janjalani?

8 A. No.

9 Q. Maria Ressa says, in this
10 section of her book, that Yousef had been
11 training members of Abu Sayyaf from the
12 birth of the group.

13 Do you have any information
14 about whether Yousef had provided
15 training to members of Abu Sayyaf?

16 A. No.

17 Q. After the 1993 attack on the
18 World Trade Center, can we agree that
19 Yousef came to the Philippines?

20 A. He was in the Philippines
21 when the Bojinka plot was discovered.

22 Q. And he was there at least
23 during the period of 1994 to 1995,
24 correct?

1 A. I think, yeah, to early
2 1995, if I remember correctly.

3 Q. And was he joined in the
4 Philippines by his uncle, Khalid Sheikh
5 Mohamed?

6 A. I believe so, at some point,
7 yeah.

8 Q. And do you know whether
9 Khalid Sheikh Mohamed was also involved
10 in the development of the Bojinka plot?

11 A. I believe so. That's what's
12 reported, if I remember correctly.

13 Q. And do you know whether
14 Ramzi and Khalid Sheikh Mohamed were also
15 joined in those efforts by Wali Khan Amin
16 Shah?

17 A. Wali Khan Amin Shah? That
18 name is cited in these reports. It
19 sounds like something that I dimly
20 remember. But the details of these
21 things are not very firmly lodged in my
22 memory, I'm afraid. But --

23 Q. Do you know who Wali Khan
24 Amin Shah was?

1 A. If memory serves, he was --
2 he's been cited as a figure who set up a
3 set of companies in Malaysia that were
4 linked to Jemaah Islamiyah.

5 Is that not the case? Is
6 that the same character, or am I thinking
7 of someone else?

8 Q. Well, why don't we turn to
9 Page 147 of the 9/11 Commission Report.

10 - - -

11 (Whereupon, Exhibit
12 Sidel-605, No Bates, Excerpts 9/11
13 Commission Report, was marked for
14 identification.)

15 - - -

16 BY MR. CARTER:

17 Q. And you'll see a reference
18 near the bottom that KSM and Yousef
19 enlisted Wali Khan Amin Shah, also known
20 as Usama Asmurai, in the Manila air plot.

21 Do you see that?

22 A. Yes.

23 Q. And on Page 436 of the 9/11
24 Commission Report, there's a profile of

1 Wali Khan Amin Shah that says that he was
2 an associate of Osama bin Laden.

3 Does that refresh your
4 recollection?

5 A. No. Turkmen? He's Turkmen?
6 He's from Turkmenistan?

7 I thought this was -- the
8 name that is in my memory is someone who
9 is based in Malaysia. No?

10 Q. So you don't recall --

11 A. I'm clearly thinking of
12 somebody else.

13 Q. You don't recall having come
14 across information in your studies of the
15 Bojinka plot that a bin Laden lieutenant,
16 an al-Qaeda named Wali Khan Amin Shah
17 worked with Ramzi Yousef and Khalid
18 Sheikh Mohamed on the development of
19 Bojinka?

20 A. All I remember is that there
21 were names other than Ramzi Yousef and
22 Khalid Sheikh Mohamed, that there were a
23 few obscure individuals whose backgrounds
24 and affiliations were not something I

1 knew a great deal about. They were not
2 Southeast Asians. It was not connected
3 to the local organizations and groups and
4 individuals otherwise under, you know,
5 consideration here.

6 So I'm afraid that my
7 knowledge and, you know -- no
8 investigation of this guy's background.
9 I did not do my homework on who this guy
10 was.

11 MR. CARTER: If we could
12 mark as the next exhibit the
13 excerpts from the Michael Scheuer
14 book that are at Folder 29.

15 - - -

16 (Whereupon, Exhibit
17 Sidel-606, No Bates, Michael
18 Scheuer, Osama bin Laden Excerpts,
19 was marked for identification.)

20 - - -

21 BY MR. CARTER:

22 Q. Professor Sidel, do you know
23 who Michael Scheuer is?

24 A. Wasn't Michael Scheuer a CIA

1 Do you see that?

2 A. Yes.

3 Q. And I am correct that you
4 continue to hold all of those opinions as
5 we sit here today?

6 A. Yes.

7 Q. I'd like to break down that
8 set of opinions in pieces and discuss it
9 a little bit.

10 Am I correct that you are
11 expressing the view that the decision of
12 Ramzi Yousef, Khalid Sheikh Mohamed and
13 Wali Shah to stage their operations from
14 the Philippines had nothing to do with
15 the presence of Abu Sayyaf Group, Mohamed
16 Jamal Khalifa, or any other potential
17 sources of support in the Philippines?

18 A. From what I've read and
19 understood, the activities of these
20 conspirators in Manila is independent of
21 that broader context, yes. They're not
22 reliant on a broader support network.

23 Q. I think that partially
24 answers my question.

1 I think the additional
2 question was whether or not the decision
3 to locate there was in no way influenced
4 by the potential resources that might be
5 available as they developed the plots?

6 A. How so?

7 Q. Well, let me clarify.

8 You answered my question by
9 saying that it's your understanding that
10 the activities they undertook there was
11 independent of any relation to other
12 groups.

13 I'm asking a slightly
14 different question.

15 Do you know whether or not
16 their decision to go there in the first
17 place, before they began undertaking
18 their operations, was in any way
19 influenced by the presence of Abu Sayyaf
20 Group, Mohamed Jamal Khalifa or other
21 potential resources they might want to
22 rely upon in the Philippines?

23 A. I'm -- I struggle to
24 understand how I would have access to

1 their thinking on that front, given how
2 little evidence there seems to be of
3 reliance or interaction between the small
4 group of conspirators in Manila and
5 anyone else.

6 And, here, my view is that
7 metro Manila, and certain areas of
8 Manila, such as Makati, where they were
9 living, these are parts of the national
10 capital region where you have large
11 numbers of ex-patriots living, you know,
12 you have Nigerians involved in the drug
13 trade. Today you have a few thousand
14 online gaming operators, maybe 500,000 of
15 them, living in the capital of the
16 Philippines because it's -- they don't
17 have to pay taxes or suffer the
18 regulatory whims of the government.

19 So it seems like this -- the
20 ex-pat life for people who are engaged in
21 a variety of activities, under the radar,
22 in Manila, and that would appear to be a
23 sufficient explanation and attraction to
24 this in a way that is unconnected to some

1 other far-flung part of the archipelago.

2 And, if I could add, Manila
3 also has a small but substantial Muslim
4 minority area in the Quiapo district of
5 Manila itself. And there's nothing in
6 these reports that connects these men
7 living in the comfort of the financial
8 district of Makati and so forth to other
9 Muslims in metro Manila.

10 So it seems like an ex-pat
11 community.

12 Q. You do agree with me that
13 Wali -- Ramzi Yousef, Khalid Sheikh
14 Mohamed and Wali Shah developed a whole
15 series of relatively ambitious plots,
16 including the plot to assassinate
17 President Clinton and the Pope, correct?

18 A. That is what we are told,
19 that these plots were in one or another
20 stage of development as discovered by the
21 Philippine police on their computers
22 after -- on the conspirators' computers
23 after the accidental explosion in their
24 apartment.

1 Q. And the plots to assassinate
2 President Clinton and the Pope were to be
3 carried out locally in the Philippines,
4 correct?

5 A. I believe so, yes.

6 Q. And at least according to
7 Maria Ressa's account, Abu Sayyaf members
8 were slated to participate in the
9 assassination of the Pope, correct?

10 A. That, I don't recall. I
11 don't recall the details of the -- I
12 don't recall any revolutions of the
13 details of that plot.

14 My recollection is that
15 these plots -- these plots were
16 uncovered, in some form, on the computers
17 and in the interrogations of these
18 individuals. And the details of them, I
19 don't recall seeing those details in the
20 available sources.

21 Q. Abu Sayyaf did have an
22 operational presence in the Philippines
23 at the time the plots were being
24 developed, correct?

1 A. 1994, 1995, there are small
2 numbers of men associated with Abu Sayyaf
3 in parts of Basilan and maybe in the
4 Sulu -- in Sulu. But I think in -- just
5 in Basilan, operating within a very
6 restricted band of the country, you know,
7 a far-flung -- a single island, part of
8 an island, and operating on what they
9 call pump boats between islands in that
10 part of the country.

11 Q. And I think you testified
12 earlier that you're not an expert on
13 operational aspects of terrorist attacks.

14 So I'm correct that you
15 wouldn't have a view on the particular
16 kinds of support that would be necessary
17 to carry out a plot to assassinate the
18 president of the United States or the
19 Pope on foreign soil, do you?

20 A. I'm not sure what kind of
21 expertise that would be. You'd have -- I
22 assume you would have to be involved in
23 that kind of activity or in
24 counterterrorism, counterintelligence,

1 and so forth. By 1994, wasn't Khalifa
2 off in Jordan and arrested and on the
3 run? Isn't that the case?

4 Q. At a certain period he was
5 arrested.

6 I was asking a slightly
7 different question, which is whether or
8 not he had established other charities
9 and businesses for purposes of supporting
10 terrorist operations?

11 A. I believe that that is --
12 that there is in -- some of that in some
13 of the reports that I've been shown.

14 Q. And do you happen to know
15 whether Wali Shah knew both Khalifa and
16 Ramzi Yousef?

17 A. No. I mean, he clearly knew
18 Ramzi Yousef. But I wouldn't be
19 surprised if he knew Jamal Khalifa as
20 well.

21 Q. And in developing your
22 opinion about the reason that the
23 plotters chose the Philippines, did you
24 consider whether the infrastructure that

1 account that seems to have very broad
2 credibility, in terms of the timing.

3 Q. You're saying it doesn't fit
4 within the big picture of your
5 understanding of al-Qaeda's development
6 and goals, correct?

7 A. Yeah.

8 Q. I believe you told me very
9 early in the deposition, though, that you
10 didn't view yourself to be an expert on
11 al-Qaeda; isn't that correct?

12 A. Yeah. But I also qualified
13 that in two ways. One, certainly, in
14 terms of the question of al-Qaeda in
15 Southeast Asia, I've been in a position
16 before and during this case to look at
17 evidence of al-Qaeda's presence and
18 activities and allegations thereof in
19 Southeast Asia.

20 And, secondly, in terms of a
21 familiarity with kind of authoritative
22 accounts of al-Qaeda and its development
23 over the course of the 1990s and beyond,
24 I'm familiar with that through my

1 failed experiment with local jihad during
2 the period of heightened Islamist
3 influence and interreligious violence in
4 Indonesia in 1999 through 2001.

5 Do you see that?

6 A. I do.

7 Q. Do I understand that and
8 other statements in your report to
9 reflect your opinion that Jemaah
10 Islamiyah was focused on local activities
11 and agendas until after 9/11?

12 A. Yes.

13 Q. And, in your view, Jemaah
14 Islamiyah was not involved in al-Qaeda's
15 global jihadist activities before the
16 September 11th attacks; is that correct?

17 A. What do you mean by
18 "involved"?

19 Q. Well, your report, as I
20 understand it, indicates that Jemaah
21 Islamiyah was not a material participant
22 in anything that could be construed as
23 al-Qaeda's global jihad before 9/11 and
24 only turned to al-Qaeda's vision of jihad

1 after; is that correct?

2 A. Yeah, I'm not sure if I
3 would even say that it turns to
4 al-Qaeda's vision of jihad.

5 It engaged in -- or members
6 of this network engaged in a series of
7 bombings, beginning in October 2002 and
8 persisting up through at least 2005, that
9 took foreign, Western targets and, thus,
10 could be seen and were intended to be
11 seen as part of something international,
12 transnational, global and in sync with,
13 in line with, you know, other sets of
14 bombings and attacks in different parts
15 of the world.

16 It put Indonesia on the map
17 of a string of attacks, including here in
18 London, Madrid, Casablanca and so forth.

19 Q. And I'm just -- I'm trying
20 to understand, Professor.

21 Is it your view that Jemaah
22 Islamiyah was not engaged in
23 collaborative efforts with al-Qaeda
24 before 9/11?

1 A. There were contacts between
2 individuals associated with these
3 different networks. But there was not a
4 coordinated strategy that involved some
5 kind of alliance between these two
6 organizations.

7 Jemaah Islamiyah was focused
8 on its own -- as a network, it was
9 focused on its own agenda, which was
10 within Indonesia and involved neighboring
11 countries as well.

12 Q. And are you familiar with a
13 Jemaah Islamiyah operative during this
14 period named Hambali, who was also known
15 as Riduan Isamuddin?

16 A. Yes, I am.

17 Q. And who is he?

18 A. He was a man who was born in
19 Indonesia and who was drawn into this
20 network in his youth and spent time in
21 Afghanistan and circulated outside of
22 Indonesia during the period of exile and
23 marginalization for these -- for this
24 network and who appears to have been a

1 crucial figure in communications between
2 Jemaah Islamiyah, as a network, and the
3 organization and individuals associated
4 with al-Qaeda.

5 Q. And turning to the 9/11
6 Commission Report again, on Page 150.

7 At the bottom, there's a
8 section under the heading, Hambali?

9 A. Right.

10 Q. And it describes, al-Qaeda's
11 success in fostering terrorism in
12 Southeast Asia stems largely from its
13 close relationship with Jemaah Islamiyah.

14 Do you disagree with that
15 characterization?

16 A. Well, it's quite a curious
17 statement if you look at it, you know, in
18 sort of causal analysis. Its success in
19 fostering terrorism in Southeast Asia
20 stems largely from its close relationship
21 with Jemaah Islamiyah.

22 So if you take my view -- if
23 we unpack the sentence, you could say,
24 well, Jemaah Islamiyah is a network on

1 its own that emerges and evolves and
2 becomes activated, by the turn of the
3 21st century, on its own steam.

4 So to ascribe that so-called
5 success to al-Qaeda seems quite odd to me
6 and implausible.

7 Q. Okay.

8 A. So if I -- what is the
9 actual -- if you were to turn this into
10 one of those diagrams, where would the
11 arrows go of who is causing what to whom?

12 Q. Well, let's eliminate the
13 arrows and focus on whether or not there
14 was a collaborative relationship in place
15 between al-Qaeda and Jemaah Islamiyah
16 before 9/11.

17 Do you agree that there was?

18 A. I agree that there is
19 evidence of contacts between
20 individuals -- two individuals whose
21 names stand out are Hambali and Omar
22 al-Faruq, both of whom seem to have
23 disappeared into Guantanamo Bay, neither
24 with sufficient evidence to convict them,

1 terrorist plans, which Atef and KSM
2 sought to expand.

3 Do you know whether or not
4 that happened during this time period?

5 A. That doesn't sound -- I
6 certainly don't know whether that
7 happened, because it doesn't seem to --
8 there doesn't seem to be evidence for it.

9 Q. So you disagree with the
10 9/11 Commission's finding on that point,
11 correct?

12 A. Yeah, I -- I don't know
13 whether funds were disbursed that, you
14 know, went to do what? If there were
15 funds transferred, that's possible.

16 Q. Well, the next sentence
17 describes some of the activities that
18 were being pursued pursuant to the
19 arrangement.

20 And it says, Jemaah
21 Islamiyah would perform the necessary
22 casing activities and locate bomb-making
23 materials and other supplies. Al-Qaeda
24 would underwrite operations, provide

1 bomb-making expertise and deliver suicide
2 operatives.

3 Do you agree what they're
4 describing right there, if true, involves
5 collaboration in terrorist activities?

6 MR. NASSAR: I'm going to
7 object. I think it's -- well, I'm
8 going to direct Professor Sidel to
9 look at the actual exhibit in the
10 folder.

11 I don't think asking this
12 series of questions without him
13 being able to reference the
14 specific footnotes is fair.

15 MR. CARTER: Waleed, he's
16 come and given testimony about
17 whether or not there was an
18 al-Qaeda relationship with Jemaah
19 Islamiyah in the period prior to
20 9/11. I think it's completely
21 fair to ask him about the 9/11
22 Commission Report findings on that
23 specific point.

24 MR. NASSAR: Right. But his

1 answers have repeatedly been that
2 he has not seen evidence of these
3 things. It's -- pretty much every
4 answer has been a reference to the
5 evidence. And --

6 MR. CARTER: Don't testify
7 for him, Waleed.

8 MR. NASSAR: I'm not
9 testifying for him. You can look
10 back at the record and see it for
11 yourself.

12 But he needs to be able to
13 look at the footnotes. That's
14 what his --

15 THE WITNESS: I would
16 appreciate seeing the footnotes.

17 MR. CARTER: Well, I'm
18 asking him whether he agrees or
19 disagrees based on his independent
20 expertise with these findings of
21 the 9/11 Commission. That's a
22 fair question.

23 BY MR. CARTER:

24 Q. Do you agree or disagree

1 with these findings?

2 MR. NASSAR: Professor
3 Sidel, if you feel like you need
4 to refer to the document and look
5 at the footnotes, feel free to do
6 so.

7 THE WITNESS: Yeah, I'd like
8 to see the footnote, please. I'll
9 look it up in my computer.

10 MR. NASSAR: Which document
11 was this?

12 THE WITNESS: Is this the
13 9/11 Commission Report?

14 MR. HONE: 607.

15 THE WITNESS: What page in
16 the report, please?

17 MR. NASSAR: Can we unzoom?
18 151, but the endnotes would
19 come later.

20 MR. HAEFELE: Note my
21 objection to the speaking
22 objection.

23 MR. NASSAR: For the court
24 reporter, that was Robert Haefele.

1 THE WITNESS: What chapter
2 is this from?

3 MR. CARTER: It's Chapter 5
4 of the 9/11 Commission Report.

5 THE WITNESS: Okay. I'm
6 looking at the footnotes now.

7 BY MR. CARTER:

8 Q. Discussing specifically
9 al-Qaeda's ties to Jemaah Islamiyah.

10 A. Right. Here we go.

11 So if you look at the
12 footnotes, you'll see that the footnote
13 for the first sentence, Footnote 21, is
14 to Rohan Gunaratna, who is a widely
15 discredited, sometimes, you know, derided
16 pseudoexpert on al-Qaeda with, you know,
17 very limited credibility or base for
18 information.

19 As for Footnote 22, it's an
20 interrogation of Hambali to which I
21 wouldn't have access.

22 So I -- this is the kind of
23 thing that, you know, is -- it presents a
24 picture that seems very clear and

1 coherent. And if you read expert
2 reports, including those of the
3 well-respected, widely respected expert
4 Sidney Jones, she presents a picture of
5 Hambali and these other individuals as,
6 you know, operating in a much more
7 fragmented and individual --
8 individualistic, idiosyncratic fashion,
9 as opposed to some kind of organizational
10 alliance.

11 And in terms of examples
12 of and claims of linkage, all of the
13 activities, up until and beyond September
14 11th, 2001, are very local in their logic
15 and in the people who are carrying them
16 out.

17 So I find it hard to kind of
18 accept this picture. It seems such --
19 like such a neat, coherent picture that I
20 struggle to accept it at face value.

21 Q. Professor, I just asked,
22 while I was on mute, I'm correct that you
23 do not credit these findings of the 9/11
24 Commission?

1 that.

2 MR. CARTER: That's all I
3 have. Thank you for your time,
4 Professor Sidel. I appreciate it.

5 THE WITNESS: Thank you.

6 MR. NASSAR: Thanks,
7 Professor Sidel.

8 THE WITNESS: Thank you.

9 VIDEO TECHNICIAN: This ends
10 today's deposition. We're going
11 to go off the record at 11:43 a.m.

12 - - -

13 (Whereupon, the deposition
14 concluded at 11:43 a.m.)

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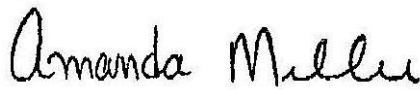
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CERTIFICATE

I, Amanda Maslynsky-Miller, Certified Realtime Reporter, do hereby certify that prior to the commencement of the examination, JOHN SIDEL, was remotely sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.



Amanda Miller
Certified Realtime Reporter
Dated: May 12, 2021

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3 Please read your deposition
4 over carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign
9 the errata sheet and date it.

10 You are signing same subject
11 to the changes you have noted on the
12 errata sheet, which will be attached to
13 your deposition.

14 It is imperative that you
15 return the original errata sheet to the
16 deposing attorney within sixty (60) days
17 of receipt of the deposition transcript
18 by you. If you fail to do so, the
19 deposition transcript may be deemed to be
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ACKNOWLEDGMENT OF DEPONENT

I, _____, do
hereby certify that I have read the
foregoing pages, 1 - 189, and that the
same is a correct transcription of the
answers given by me to the questions
therein propounded, except for the
corrections or changes in form or
substance, if any, noted in the attached
Errata Sheet.

JOHN SIDEL

DATE

Subscribed and sworn
to before me this
_____ day of _____, 20____.

My commission expires: _____

Notary Public

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